



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,772	09/27/2001	Tomio Amano	JP9-2000-0267US1 (590.083)	3441
35195 7590 02/27/2007 FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			EXAMINER SINGH, RACHNA	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 02/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/965,772

Applicant(s)

AMANO, TOMIO

Examiner

Rachna Singh

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2 and 4-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

Continuation of 3. NOTE: The proposed amendments replacing "such that" to "in order that" do not resolve the 35 U.S.C. 112 issues and do not simplify issues for appeal.

Continuation of 11. does NOT place the application in condition for allowance because: Thielens and Stern reference teaches and/or suggests all limitations of independent claims 1, 4, 6, 8, 10, 12, 13, 15 and 16 but the error correction, however (as taught by WordPerfect at pages 573-591. The spell-checking feature has an option to correct spelling or grammar when you press (Ctrl-F2), which has the broadest reasonable interpretations as claimed, "error correction".

In addition, Thielens at col. 1, lines 30-35, i.e. the job of the copy editor is to carefully review the manuscript for changes therein. Specifically, the copy editor first manually folios or numbers all of the pages, and then reviews and edits the manuscript for grammatical and contextual errors by writing the changes on the printed manuscript, and flagging author queries and rewrites, also Stern at page 2, paragraphs [0017]-[0018], i.e. "Web browser" refers to any software program, which can display text, graphics, or both, from Web pages on World Wide Web sites. Hereinafter, the term "Web server" refers to a server capable of transmitting a Web page to the Web browser upon request. Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein data generated by first, second computer using markup language would have been an obvious variant of "Web browser" and "Web server" refers to a server capable of transmitting a Web page to the Web browser upon request, since the well known standardized language using in the "Web browser" and "Web server" is some type of markup language to a person of ordinary skill in the art at the time the invention was made that markup.

Applicant argues Corbin is non-analogous prior art and cannot be relied upon for rejecting Applicant's claims because it has nothing to do with error prevention/correction. Applicant further argues on page 18 that Corbin's combination with the other references would never realize the advantage of error correction solution. Examiner disagrees.

Applicant states that Corbin is not related to error prevention and deals with scanning of a document for headings and cross-references in order to remove any ambiguities. Such ambiguities and removal of ambiguities can be interpreted as errors and "error prevention or correction" respectively. However, as stated in the rejections above, Thielens, Stern and WordPerfect do not explicitly teach data written in a markup description language, whereby the number of said errors incorrect character conversions occurring during the re-input of text is reduced, however (as taught by Corbin at the Abstract and col. 15, line 50 through col. 16, line 65 pages), discloses the text is re-read, with the paragraphs/section headers masked off, to locate text strings within the body of the text which cross-reference the section headers, or term definitions, or external links.

Once the text has been marked up, an index file (FIG. 2) is generated. This holds the (optional) table of contents, as well as any diagnostic information obtained during the processing of the original (input) HTML file. The index file is preferably linked to the original HTML file, as well as to other utility programs such as a spell checker/thesaurus, a search tool and to the other generated files containing the list of missing references, external references, term definitions, undefined terms and circular references is provided;

Also (see Corbin at col. 1, lines 10-45), described the shortcoming of time pressure in the preparation of the documents especially during negotiations. The documents may need to be redrafted many times to accommodate the changes, any of which may lead to errors and provides the solution (see Corbin at col. 2, line 55 through col. 4, line 15).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Cobin's teaching into WordPerfect, Thielens and Stern to provide a way to include the means of data written in a markup description language, whereby the number of said errors incorrect character conversions occurring during the re-input of text is reduced. One of ordinary skill in the art would have been motivated to perform such a modification, because they are from the same field of endeavor of error and/or spellchecker (i.e. cross referencing text), and to provide error correction solution, which could be easy to perform automatically, without requiring extensive manual intervention in any computational devices, and available though the world wide web, as taught by Stern at page 1, paragraph [0007] and also as taught by Stern at page 2, paragraphs [0014] and [0017].

As stated above, Examiner has provided a motivation as to why Corbin is combinable with the other references. In view of the comments above, the rejection is maintained..